

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARGARET D. EDWARDS-FLYNN,

Plaintiff,

vs.

No. CIV 08-0186 JB/ACT

CHERYL ANN YARA; MATTHEW SANDOVAL;
HENRY O. SANCHEZ; JOHN AVILA; CHUCK
GRIEGO; MICHAEL GALLEGOS; MACARIO
GONZALES; MORRIS MADRID; DIANE MOORE;
TONY MARQUES; EUGENE ROMERO; CRUZ
ROYBAL; AND LOUIE TRUJILLO, all in their
individual, personal, private and official capacities,
for actions committed while acting as public officers
and/or employees of the Machinery of Government of
the City of Las Vegas, New Mexico; and ERIC LETEY
and ED ZENDEL, each in their individual, personal,
private and official capacities, for actions committed
while acting as employees of the New Mexico Municipal
League, by and through the New Mexico Self-Insurers'
Fund; THE NEW MEXICO SELF-INSURERS' FUND;
THE NEW MEXICO MUNICIPAL LEAGUE;
FIFTEEN JANE DOES; and FIFTEEN JOHN DOES,

Defendants.

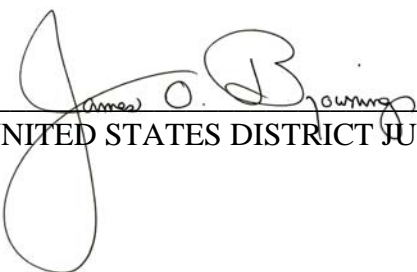
ORDER STAYING DISCOVERY

THIS MATTER comes before the Court on Plaintiff Margaret D. Edwards-Flynn's Emergency Motion for Stay of Discovery and All Discovery Proceedings, filed June 25, 2009 (Doc. 82). Edwards-Flynn seeks to stay discovery until the United States Court of Appeals for the Tenth Circuit issues a ruling on her attempt to appeal from the Court's interlocutory rulings denying her motion to remand, and dismissing certain Defendants and certain claims. The Defendants failed to timely respond to the motion, which "constitutes consent to grant the motion." D.N.M. LR-Civ. 7.1(b). At the July 15, 2009 initial scheduling conference, Defendants' counsel stated that they had

no objection to granting the motion, subject to the parties' right to request a lifting of the stay at a later date.

The Court notes that the Tenth Circuit has issued an order tolling the briefing in the Tenth Circuit on Edwards-Flynn's appeal, and is considering summary dismissal of that appeal "for lack of appellate jurisdiction because all of the claims against all of the parties have not been finally adjudicated by the district court." Doc. 84 at 1. The Tenth Circuit has indicated that it will dismiss Edwards-Flynn's appeal unless she "serves and files a copy of a district court order entering either a final judgment or a Rule 54(b) certification" by July 24, 2009. *See id.* Because this Court will not be entering either a final judgment or a Rule 54(b) certification by July 24, 2009, any stay of discovery based on receiving a ruling from the Tenth Circuit should terminate long before the discovery deadlines have been reached.

IT IS ORDERED that Edwards-Flynn's Emergency Motion for Stay of Discovery (Doc. 82) is granted, and discovery is stayed until the United States Court of Appeals for the Tenth Circuit rules on Plaintiff Margaret D. Edwards-Flynn's attempt to appeal from the Court's interlocutory rulings denying her motion to remand, subject to any party's right to move for a lifting of the stay before that time.



UNITED STATES DISTRICT JUDGE

Counsel and Parties:

Margaret D. Edwards-Flynn
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Pro Se Plaintiff

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